

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.22337 OF 1997

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DATED: 31-01-2007

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Between :

Sunnam Ramulu @ Ramalaxmaiah Petitioner

And

1. The Mandal Revenue Officer, Dammamet
Mandal, Khammam District and another. ... Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.22337 OF 1997

ORDER :

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This writ petition is filed seeking a declaration that the proceedings of the 1st respondent – Mandal Revenue Officer, Dammamet Mandal, Khammam District, dated 14-11-1996 whereunder different extents of lands situated in Malkavaram Village, Dammamet Mandal, Khammam District have been partitioned among the petitioner and the 2nd respondent herein are arbitrary and illegal.

It is contended by the petitioner that the impugned order is not only without jurisdiction but is also violative of the fundamental principles of natural justice since no notice was issued to the petitioner in the enquiry said to have been conducted.

Despite service of notice, the respondents did not choose to appear and no counter-affidavit is filed.

It is also relevant to note that the impugned order was suspended by this Court by order dated 22-9-1997 and the same continued to be in force throughout.

Having heard the learned Counsel for both the parties and having regard to the specific allegations that the impugned order was passed without giving any opportunity to the petitioner to put forth his version, which remained unrebutted in the absence of any counter-affidavit, I deem it appropriate to set aside the impugned order dated 14-11-1996 and dispose of the writ petition to initiate fresh proceedings in accordance with law. It is made clear that in case any fresh proceedings are initiated the 1st respondent shall give a notice to

the petitioner as well as the 2nd respondent, in which event it is open to the petitioner to raise all objections including the objection that the 1st respondent has no jurisdiction to initiate such proceedings.

Writ Petition is accordingly disposed of. No costs.

G. ROHINI, J.

Dt. 31-1-2007
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